



ADMINISTRATIVE DIRECTIVE

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I. PURPOSE

To outline City of Tucson policy for the provision of Administrative Leave, Imposed Leave and Public Safety Bridge Leave.

II. ADMINISTRATIVE LEAVE

Under circumstances in which exempt employees are required to work an exceptional amount of time in performance of their duties, department directors may approve Administrative Leave in the special circumstances described below:

- A. The department director may approve an exempt employee for 40 hours of Administrative Leave per calendar year.
- B. Departments must submit a memorandum explaining the employee's Administrative Leave to the City Manager's Office. A copy of the memorandum should be retained with the departmental payroll staff, and the original must be sent to the Human Resources Department to be placed in the employee's personnel file.
- C. The Administrative Leave policy does not require department directors to keep records of the extra hours worked for purposes of calculating Administrative Leave for exempt employees, nor should the department approve the time off on an hour-for-hour basis.
- D. Fair Labor Standards Act regulations require that exempt employees be treated as salaried employees rather than as hourly wage employees.

III. IMPOSED LEAVE

A department director/designee may require an employee to take Imposed Leave with or without pay, with the concurrence of the Human Resources Director/Designee and the City Attorney's Office.

- A. **Imposed Leave with Pay** – Imposed Leave with Pay is appropriate when:
 - 1. An employee is too disruptive or dangerous to remain in the work place;
 - 2. An employee is removed from the worksite pending investigation of a matter where there is concern that the employee's presence in the workplace may impede or compromise the investigation;
 - 3. To address matters of safety during an ongoing investigation, and;
 - 4. During the time period between the pre-discharge Notice of Intent and the pre-discharge review meeting (provided that the employee was in paid status at the time the employee received the Notice of Intent) (A.D. 2.02-16, Disciplinary Action).



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- B. Imposed Leave without Pay** – Imposed Leave without Pay is appropriate when:
 1. An employee is placed on unpaid leave while criminal charges are pending;
 2. An employee who is on unpaid leave is served with a pre-discharge Notice of Intent, in which case the employee will remain on unpaid status during the time between the pre-discharge Notice of Intent and the pre-discharge review meeting, or;
 3. The employee is incarcerated.

- C. Duration** – The duration of the Imposed Leave will be noted on the Personnel Action Request Form (PARF) signed by the department director/designee, the Human Resources Director/Designee, and the City Attorney’s Office. The duration of the Imposed Leave may be for a specific or an indefinite period of time. If a specific period of time is not designated, the Imposed Leave will be for a maximum of 30 calendar days. Extensions of Imposed Leave must be submitted by written request by the department director/designee, and approved by the Human Resources Director/Designee and the City Attorney’s Office.

- D.** Imposed Leave and any extensions of Imposed Leave - will be documented on a PARF signed by the department director, the Human Resources Director/Designee and the City Attorney’s Office.

IV. PUBLIC SAFETY BRIDGE LEAVE

Under circumstances as defined below, the Chief of Police/Fire Chief/Designee may authorize short-term Public Safety Bridge Leave for a permanent commissioned employee.

- A.** The Chief of Police/Fire Chief/Designee may authorize the use of Public Safety Bridge Leave for a permanent commissioned employee when:
 1. A licensed mental health professional¹ has determined that the permanent commissioned employee creates a direct threat to the safety of self or others or is not Fit for Duty due to exposure to traumatic events as defined in A.R.S. §38-673 during their employment as a permanent commissioned employee with the City of Tucson, and;
 2. The permanent commissioned employee has exhausted all Sick Leave, Earned Paid Sick Time, Vacation Leave, Compensatory Time, Donated Leave, or any other leave provided as part of the permanent commissioned employee’s benefits package, and;
 3. The permanent commissioned employee has applied for Worker’s Compensation benefits for the specific event(s) the employee was deemed not Fit for Duty under the Worker’s Compensation Act, A.R.S. §23-1043.01 and is awaiting final determination of that claim.



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- B. Rate of Pay** - A permanent commissioned employee authorized for Public Safety Bridge Leave shall be compensated at their base rate of pay in place at the time of Public Safety Bridge Leave approval. All other benefits and withholdings will be applied in a manner consistent with Administrative Directive 2.07 (VII).

- C. Duration** - Public Safety Bridge Leave will be authorized for up to 30 calendar days (with status review every 30 days) from the date of initial approval and must be used continuously. This leave is available to the permanent commissioned employee one time (one 30-day period plus the 30-day extensions) in a rolling calendar year. The rolling calendar year is calculated from the final day Public Safety Bridge Leave was authorized.

- D. Extensions** - The Chief of Police/Fire Chief/Designee may grant up to three 30-calendar day extensions upon written request by the permanent commissioned employee. A request for extension will only be granted for instances of unavoidable delay in processing the Worker’s Compensation claim.
 - 1. “Unavoidable delay” occurs when, through no fault of the permanent commissioned member, investigation of the Worker’s Compensation claim, arranging an Independent Medical Examination or the litigation process causes delay in reaching final disposition of the claim (Notice of Claim Status (NCS) or Findings and Award by the Industrial Commission of Arizona).
 - 2. Non-cooperation by the permanent commissioned employee in the investigation of the Worker’s Compensation claim, postponing or not showing for an Independent Medical Examinations, or postponing a scheduled hearing may result in immediate termination of Public Safety Bridge Leave.

- E. Termination** - If the permanent commissioned employee’s Worker’s Compensation claim is accepted, the employee will be appropriately compensated under the Worker’s Compensation Act. Public Safety Bridge Leave will be automatically terminated and the employee must repay all compensation received while on Public Safety Bridge Leave. If final disposition of the permanent commissioned member’s Worker’s Compensation claim is denied, the Public Safety Bridge Leave is automatically terminated and the employee’s status will be changed to the appropriate leave without pay designation.

¹“Licensed mental health professional” means a psychiatrist or psychologist who is licensed pursuant to Arizona Revised Statutes Title 32, Chapter 13, 17, or 19.1.



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Forms None.

References (for a complete list of references for the entire AD Leaves series, please see AD 2.01-7)

- 2.01-2 Overtime Policies
- 2.02-16 Disciplinary Action
- 2.01-7D Medical and Parental Leave

Review Responsibility and Frequency The Human Resources Director will review this directive as needed.

Authorized



 City Manager
 Michael J. Ortega

 Date
 2/5/19